

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Inagaki et al.  
Serial Number: 10/593,190  
Filed: April 19, 2007  
Group Art Unit: 3657  
Confirmation No. 8992  
Examiner: Burch, Melody M.  
Title: **PARKING BRAKE SYSTEM**

**PRE-APPEAL BRIEF REQUEST FOR PANEL REVIEW**

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Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

Concurrent with Appellant's Notice of Appeal dated 05 July 2011, appealing the Examiner's final rejection of claims 1, 3 and 4 as set forth in the final Office Action of 04 March 2011, appellant respectfully submits this Pre-Appeal Brief Request for Review for consideration by a Review Panel. Appellant also requests review of the Examiner's refusal to enter appellant's Amendment B under 37 CFR 1.116 which was submitted 06 June 2011, as such refusal to enter appellant's amendment was described in the Advisory Action dated 23 June 2011.

**Grounds of Rejection to be Reviewed:**

**1. Claim Rejections - 35 USC §103**

In item 4 on page 3 of the Final Office Action, the Examiner rejected claims 1, 3 and 4 under 35 USC 103(a) as unpatentable over Reinecke (US 4,116,307). The Examiner repeated many of her comments from the earlier non-final rejection of claim 1, and indicated that in her view, applicant's arguments

made in the amendment filed 16 December 2010 were unpersuasive.

### **Appellant's Response**

Appellant respectfully traverses such ground of rejection and requests panel review thereof, because Reinecke fails to disclose/discuss (or make obvious) several features of the claimed invention, as discussed in greater detail in appellant's Amendment-A.

Reinecke generally discloses a parking brake system in which a parking brake state is obtained by forward movement of a parking piston with the rear side of a parking piston facing a parking control fluid pressure chamber, and the forward state of the parking piston being mechanically locked by a locking mechanism. However, the invention of Reinecke is much more simple in structure and fails to disclose a cylindrical retaining tube that is integrally and coaxially connected to a rear part of the parking piston and (a plurality of ) spheres retained around the retaining tube wherein an insertion shaft connected to the front end of the lock piston is relatively movably inserted into the retaining tube in order to sandwich the spheres between the insertion shaft and the inner face of the casing. Instead, the locking piston (92) of Reinecke (as seen in Fig. 3) is positioned such that it is outside of and below the parking piston (83). Thus, the locking piston (92) is not retained by any portion of, or any extension of, the parking piston 83, as is required by the claimed invention.

Further, while Reinecke discloses a ball 90 used to assist in the locking and unlocking of the parking piston may be similar to one of the spheres of the claimed invention, the use of multiple spheres, as required by the claimed invention, would not be obvious, as contended by the Examiner. The single ball 90 of Reinecke is positioned between the parking piston 83 and the locking piston 92 at the only faces where the two pistons may contact. Since the two pistons of Reinecke are positioned adjacent to each other, and not positioned such that the locking piston is surrounded by the parking piston as in the claimed invention, the use of a plurality of spheres would not be necessary,

and therefore unobvious.

Moreover, appellant respectfully traverses the Examiner's assertion that the inclined face 92a of the locking piston 92 of Reinecke teaches/makes obvious the guide grooves 125 of the claimed invention. Reinecke merely states that the locking piston 92 includes an inclined face 92a upon which the roller/ball 90 moves. Reinecke does not disclose or suggest that the inclined face 92a includes a groove or has a concavely curved cross-sectional shape such that the roller/ball 90 is rollably fitted into the inclined face 92a.

Accordingly applicant respectfully requests the Panel to reverse the Examiner's rejection of claims 1, 3 and 4 under 35 USC 103.

## **2. Claim Rejections – Double Patenting**

In item 5 on page 5 of the Final Office Action, the Examiner rejected claim 1 on the ground of nonstatutory obviousness-type double patenting as unpatentable over claim 1 of U.S. Patent Number 7,651,175 to Inagaki in view of Reinecke. The Examiner repeated many of her comments from the earlier non-final rejection of claim 1.

### **Appellant's Response**

Appellant respectfully traverses such ground of rejection and requests panel review thereof, because the claimed invention is sufficiently distinguishable from the invention claimed in Inagaki as to be separately patentable.

Moreover, in appellant's amendment after final, appellant attempted to amend claim 1 to add the limitations from claim 2 thereto in order to place the claim in condition for allowance. However, the Examiner refused to enter appellant's amendment after final, forcing appellant to go forward with the present appeal. Appellant notes that claim 2 was not rejected on the ground of double patenting

in the Final Office Action, and therefore appellant questions the Examiner's actions in the Advisory Action, refusing to enter claim 1 as amended.

Accordingly, applicant respectfully requests the Panel to reverse the Examiner's rejection of claim 1 on the ground of nonstatutory obviousness-type double patenting.

Favorable consideration is respectfully requested.

Respectfully submitted,

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